

THE

"CONTAGIOUS DISEASES ACTS," WHAT ARE THEY?

THESE are two Acts which were hurriedly and secretly passed without debate in 1866 and 1869. In proof of the manner in which their immoral provisions were enacted and gradually extended, the following evidence is adduced from the Parliamentary records:—At one o'clock in the morning of March 16th 1866, the now existing Act was read the first time. After the second reading it passed a Select Committee, all the members of which were known supporters of this legislation. On the 26th of April the Bill was recommitted at two o'clock in the morning, and, when a faint effort was made to discuss this most important measure, the attempt was at once burked on the singular ground, "that this was a Bill not to be publicly discussed." When it was proposed to introduce a clause, which would have afforded some slight protection against the abuse of the irresponsible powers of the spy police, to the effect "that the justice before whom such information shall be made, shall, in all cases, require corroborative testimony and proof thereof, other than that of the members of the police force;" this qualification was negated without a word. The Act of 1869 merely amends the former Act by adding to its stringency and extending the sphere of its operation. This Bill was read in the House of Commons a first time *on the very day* it passed the House of Lords, August 2nd, 1869. After hurriedly passing through the subsequent stages, it received the Royal Assent on August 11th, the very day on which Parliament was prorogued. There was not one word of debate on this Bill in either House.

It is noteworthy that these Acts have *no preamble*, so that one is left to infer their object and principle. Their declared purpose is, "The better prevention of Contagious Diseases at certain Naval and Military Stations." The diseases alluded to can only result from the licentiousness of men and women, yet these Acts deal with *women only*.

The sole reasons assigned for these Acts by the Royal Commission in their Report (clauses 1 and 13) are, "the protection of our Soldiers and Sailors, and their maintenance in a state of physical efficiency," and "so far to control their (prostitutes) conduct as to render the practice of prostitution, if not absolutely innocuous, at least much less dangerous." As regards the persons to whose supposed security connected with "the practice of prostitution" reference is made, a wider description is given in clause 46 in the same Report, where it is said that "every man in the protected districts, who has commerce with the prostitutes, participates in the benefit of the Acts."

The foundation of this legislation clearly is, the supposed exigencies of our Army and Navy arising from celibacy, and the assumption that prostitution is consequently a necessity. This has been openly avowed. The late Sir Henry Storks, who was the chief advocate of the Acts, said, "I am of opinion that very little benefit will result from the best devised means of prevention (*i.e.* of disease) *until prostitution is recognised as a necessity*" (See page 132 of Report from Select Committee of House of Lords). The Royal Commission, also, in their Report (clause 48) admitted that "it is difficult to escape from the inference that the State, in making provision for alleviating the evils of prostitution, *has assumed that it is a necessity*." The admission that the celibate condition of our Army is the chief cause of its social immorality, is no justification for the existence of such Acts, but a very strong reason on the contrary why they should be rejected with indignation, and the Army so organized as to encourage its morality by making provision for the wives of soldiers, instead of providing for the supervision of prostitutes, and medical treatment of soldiers.

The Acts are in force in fifteen English and three Irish towns, and *fifteen miles* in all directions beyond their limits. An Organization, however, exists, having for its object the extension of these Acts over the entire kingdom. It is but too evident that their present area would have been increased had not public attention been drawn to them, for attempts have been made by overtures from the Board of Trade to introduce them into Glasgow and other towns. The expense of their extension is estimated as something enormous. The expense of the present Acts is paid out of the *public taxes* (1866, sec. 5), and has sometimes been about £50,000.

These extensive districts for the purposes of the Acts, are taken out of the hands of the Local Police and handed over to "Metropolitan" Police (Act 1866, sec. 2). These officers are detectives (spies in plain clothes), to whom is given quite despotic power. If a policeman *suspects*, or in the words of the Acts, "has good cause to believe" a woman to be immoral, he may get her summoned before a

magistrate, not to charge her with any offence, but for an order to have it ascertained whether she is free from disease. If she does not appear, the magistrate, satisfied with the informant's "belief"—no proof being required—may order her, diseased or not, to be periodically examined by a surgeon.

The Act of 1866 allows a woman to voluntarily submit herself, by written declaration, to this surgical examination, for *any period* not exceeding one year. But a woman who refuses to submit voluntarily, can be brought before the magistrates who may *compel her to submit, without any power to appeal, or to demand a revision of this degrading sentence.* If she persists in her refusal, she may be imprisoned until she submits, and this may be done again and again on every occasion when she refuses to submit. Women are frequently thus imprisoned although they have committed no crime, and have not even been proved to be unchaste.

What is this "examination?" It is not described in the Acts, so it can only be stated as a fact that it is instrumental, indecent, and degrading. It is the doom equally of the professional prostitute and of those whom want, desertion, the wiles of brothel keepers, and the compulsion of parents, have quite recently led into the ways of sin. This revolting surgical examination is an outrage which violates the feelings of those whose sense of shame is not wholly lost, and further brutalises the most abandoned, by destroying the last remnant of modesty which they may retain.

It is manifest these Acts infringe some of the most sacred claims of personal freedom. One of the safeguards of our constitutional liberty is, that every one charged with an offence is held to be innocent until proved guilty. But under these Acts, in flagrant defiance of all justice, a woman is dealt with as guilty unless she can prove her own innocence.

It is admitted that threats are often used to induce the women to sign what (by a grim mockery) is called the "Voluntary Submission," which, by the Acts, has the same effect as a magistrate's order. Thus the accused are often urged to criminate themselves.

Without adducing any cases of abuse of authority under these Acts (although such have frequently occurred), the fact remains that an unjust law cannot be justly executed. The power conceded by this Law to the police is almost without limit, for it places *any* woman at the mercy of his suspicion. As no law could be more liable to abuse, we have no right to presume it will not be abused. Moreover, special policemen being the sole witnesses against the women, as well as their accusers, are, unfortunately for the cause of justice and the liberty of the accused, not indifferent to the issue, since a conviction is essential to justify their conduct.

Serious mistakes under these Acts are admitted to be inevitable (see Act 1866, sec. 42). How can an innocent woman be indemnified, whose character is once damaged by such an imputation?

A surgeon or his assistant, charged with indiscretion or injury, may take refuge under section 18, Act 1866, by which *absolute power* is vested in the "Admiralty" or the "War Secretary." The spy police can take shelter under clause 3 of section 42, 1866, when charged with illegality or oppression, and plead that the offence complained of was done "in pursuance of intended Execution of this Act."

If a woman, willingly, or by compulsion is examined, and declared to be diseased, she can be detained in a Government hospital for nine months, if necessary. When cured, she is liberated, and the object of the Acts is accomplished. Immoral men are thus sought to be protected. There is nothing to protect *women*. They may be infected by men; and are so infected.

Women who submit perforce or otherwise to these Acts, are to all intents and purposes OFFICIALLY RECOGNISED PROSTITUTES; and the houses in which they live are TOLERATED brothels. There is not a clause in the Acts for the suppression of prostitution or brothels. The keepers of the latter have an understanding with the spy police, and are never molested unless they harbour a *diseased* woman. For this offence *only* they are liable, under the Acts, the penalty being £20.

From this brief summary of these Laws, we are justified in pronouncing them unrighteous and unconstitutional in principle, demoralizing in tendency, oppressive and one-sided in their operation; a dishonour to womanhood, a perpetuation of class-legislation in its most cowardly form, dealing only with the weaker sex and the poorer classes, so that the stronger and richer may be protected in their sinful ways. Let no one be deceived. These Acts have introduced into the British Islands nothing more nor less than Certificated Prostitution! Is it not right, therefore, to demand their total and unconditional Repeal?

This Leaflet is issued by the Scottish National Association for the Abolition of the State Regulation of Vice, and for the Promotion of Social Purity; Office, 5 St Andrew Square, Edinburgh. This and other Papers showing the immoral, unjust, and unconstitutional character of these Acts, and their signal Hygienic failure, can be had on application. As the Association is extending its operations to every Town in Scotland, Subscriptions are urgently required to further this important work.